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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,969	10/29/2003	T. Mike McMillan	64671-0525	8989
20786	7590	10/04/2006	EXAMINER	
KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309			NGUYEN, CHAU N	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,969	Applicant(s) MCMILLAN ET AL.	
	Examiner Chau N. Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 21-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 19, 20 and 28-31 is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: claim 14, line 3, "the first color" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

4. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (4,629,285) in view of Hurley et al. (2004/0022504).

Carter et al. (Figure 5) discloses a cable comprising a jacket defining a core, a first group (half of conductors 10) and a second group (the other half of conductors 10) of UV-coated optical fibers disposed within the core, wherein the respective UV coating of each optical fiber comprises a visibly distinct tint of a color (12). Carter et al. does not expressly disclose each UV coating of the first group comprising a visibly distinct tint of a first color and each UV coating of the second group comprising a visibly distinct tint of a second color. Hurley et al. discloses a cable comprising a first group of optical fiber (1a) and a second group of optical fiber (1b), wherein the coating (2a) of the first group comprises a visibly distinct tint of a first color, wherein the coating (2b) of the second group comprises a visibly distinct tint of a second color, and wherein the first and second colors can be distinguished by the naked eyes. It would have been obvious to one skilled in the art to modify the cable of Carter et al. by providing each UV coating of the first group with a visibly distinct tint of a first color and each UV coating of the second group with a visibly distinct tint of a second color to differentiate the functions of

the two groups as taught by Hurley et al. It would also have been obvious to one skilled in the art to provide a twisted pair in each group of Carter et al. for electrical transmission purposes since using twisted pairs along with groups of optical fibers is well-known in the art.

Allowable Subject Matter

5. Claims 1-15, 19, 20 and 28-31 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a communications cable comprising all the features as recited in the claims and in combination with a first shade of a first color selectively applied to the first conductor at the user accessible area, a second shade of the first color selectively applied to the second conductor at the user accessible area, a first shade of a second color selectively applied to the third conductor at the user accessible area, a second shade of the second color selectively applied to the fourth conductor at the user accessible area (re claim 1), with exclusively at the location for user access, the first conductor being circumscribed by a first tint of a color directly adhering to the first conductor and the second conductor being circumscribed by a second tint of the color (re claim 10), with the first optical fiber in the first group comprising a UV coating

having a first tint of a color and the second optical fiber in the first group comprising a UV coating having a second tint of the color (re claim 19), with the first color of ink applied directly to the first optical fiber and the second color of ink providing a lighter tint of the first color applied directly to the second optical fiber (re claim 20). The prior art of record does not teach or suggest a method of making a cable comprising all the steps as recited in the claims and in combination with identifying a location along the first and second insulated conductors for user access and selectively providing the first insulated conductor, at the identified location, with a first color and selectively providing the second insulated conductor, at the identified location, with a second color having a lighter tint of the first color (re claim 28), with providing, at a selected longitudinal location, the first cable in the first group with a first color and the second cable in the first group with a second color having a lighter tint of the first color (re claim 30), and with selectively covering, at the access location, the first optical fiber with a first color and the second optical fiber with a lighter tint of the first color (re claim 31).

Response to Arguments

7. Applicant's arguments with respect to claims 16-18 have been considered but are moot in view of the new ground(s) of rejection.

Summary

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read "Chau N Nguyen". The signature is fluid and cursive, with the first name "Chau" and last name "Nguyen" clearly distinguishable.

Chau N Nguyen
Primary Examiner
Art Unit 2831